

S.B. 190 Procurement Revisions

(effective May 1, 2013 - - Initiate rulemaking by May 13, 2014)

- 2054 **(1) "Applicable rulemaking authority" means:**
2055 **(a) as it relates to a legislative procurement unit, the Legislative**
2056 **Management**
2056 **Committee, which shall adopt a policy establishing requirements applicable to a**
2057 **legislative**
2057 **procurement unit;**
2058 **(b) as it relates to a judicial procurement unit, the Judicial Council;**
2059 **(c) as it relates to an executive branch procurement unit, except to the**
2060 **extent provided**
2060 **in Subsections (1)(d) through (g), the board {note: this mention of a board**
2061 **refers to the Utah State Procurement Policy Bd.};**
2061 **(d) as it relates to the State Building Board, created in Section 63A-5-101,**
2062 **the State**
2062 **Building Board, but only to the extent that the rules relate to procurement**
2063 **authority expressly**
2063 **granted to the State Building Board by statute;**
2064 **(e) as it relates to the Division of Facilities Construction and Management,**
2065 **created in**
2065 **Section 63A-5-201, the director of the Division of Facilities Construction and**
2066 **Management,**
2066 **but only to the extent that the rules relate to procurement authority expressly**
2067 **granted to the**
2067 **Division of Facilities Construction and Management by statute;**
2068 **(f) as it relates to the Office of the Attorney General, the attorney general,**
2069 **but only to**
2069 **the extent that the rules relate to procurement authority expressly granted to**
2070 **the attorney**
2070 **general by statute;**
2071 **(g) as it relates to the Department of Transportation, created in Section**
2072 **72-1-201, the**
2072 **executive director of the Department of Transportation, but only to the extent**
2073 **that the rules**
2073 **relate to procurement authority expressly granted to the Department of**
2074 **Transportation by**
2074 **statute;**
2075 **(h) as it relates to a local government procurement unit, the legislative body**
2075 **of the local**

2076 government procurement unit, not as a delegation of authority from the
2077 Legislature, but under
2078 the local government procurement unit's own legislative authority;
2078 (I) as it relates to a school district or a public school, the **Utah State**
Procurement Policy
2079 **Board**, except to the extent that a school district makes its own nonadministrative
rules, with
2080 respect to a particular subject, that do not conflict with the provisions of this
chapter;
2081 (j) as it relates to a state institution of higher education, the **State Board of**
Regents; . . .

2356 (5) Notwithstanding Subsection 63G-3-301(13)(b), **an applicable**
rulemaking authority
2357 **is, on or before May 13, 2014, required to initiate rulemaking proceedings for**
rules required to
2358 **be made under this chapter. . .**

3179 (b) The **applicable rulemaking authority shall make rules** that establish
procedures and
3180 criteria for awarding a contract described in Subsection (4)(a) to ensure that:
3181 (I) a competitive process is maintained; and
3182 (ii) the contract awarded is in the best interest of the procurement unit. . .

4241 (c) The [Procurement Policy Board] **applicable rulemaking authority**
shall make rules
4242 relating to intervention in a protest, including designating:
4243 (I) who may intervene; and
4244 (ii) the time and manner of intervention.